

# COPY

Practitioner's Docket No. MPI2000-535OMNI

PATENT

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## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is for a continuation-in-part (C-I-P) application.

### INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC, PREVENTIVE,  
THERAPEUTIC, AND OTHER USES

### SPECIFICATION IDENTIFICATION

The specification was filed on January 12, 2001, as Serial No. 09/759,130.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

### CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. SECTION 120

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the

prior application(s) and the national or PCT international filing date of this application.

<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:</b>				
<b>U.S. APPLICATIONS</b>		<b>Status</b>		
<b>U.S. APPLICATIONS</b>	<b>U.S. FILING DATE</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
1. 09/578,063	24 May 2000		X	
2. 09/333,159	14 June 1999		X	
3. 09/596,194	16 June 2000		X	
4. 09/342,364	29 June 1999		X	
5. 09/608,452	30 June 2000		X	
6. 09/393,996	10 Sept 1999		X	
7. 09/420,707	19 Oct 1999		X	
8. 09/602,871	23 June 2000		X	
9. 09/479,249	7 Jan 2000		X	
10. 09/559,497	27 April 2000		X	
<b>PCT APPLICATION DESIGNATING THE U.S.</b>				
<b>PCT APPLICATION NO.</b>	<b>PCT FILING DATE</b>	<b>U.S. APPLICATION NOS. ASSIGNED (IF ANY)</b>		

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Scott A. Brown	32,724
Susan M. Perkins	36,405
Jean M. Silveri	39,030
George C. Jen	39,239
Theodore Allen	41,578
Jill E. Uhl	43,213
Kerri Pollard Schray	47,066

---

### SEND CORRESPONDENCE TO

Jean M. Silveri  
Millennium Pharmaceuticals, Inc.  
75 Sidney Street  
Cambridge, MA 02139

### DIRECT TELEPHONE CALLS TO:

Jean M. Silveri  
617-679-7336

### DIRECT FACSIMILE CORRESPONDENCE TO:

Jean M. Silveri  
617-374-0074 or 617-551-8820

---

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Christopher C. Fraser

Inventor's signature X

Date X 6/18/01

Residence Lexington, MA

Post Office Address 6 LAKE Street Cp 01810  
~~52 Grassland Street, Lexington, MA 02421~~

Country of Citizenship Canada

■■■■■■■

Thomas M. Barnes

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Brookline, MA

Post Office Address 12 Mason Terrace, Brookline, MA 02446

Country of Citizenship Australia

■■■■■■■

John D. Sharp

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Arlington, MA

Post Office Address 245 Park Avenue, Arlington, MA 02476

Country of Citizenship United States of America

■■■■■■■

Susan J. Kirst

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Brookline, MA

Post Office Address 12 Dana Street, Brookline, MA 02445

Country of Citizenship United States of America

■■■■■■■

Paul S. Myers

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Cambridge, MA

Post Office Address 14 Cornelius Way, Cambridge, MA 02141

Country of Citizenship United States of America

**SIGNATURE(S)**

Christopher C. Fraser

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Lexington, MA

**Post Office Address** 52 Grassland Street, Lexington, MA 02421

**Country of Citizenship** Canada

■■■■■■■

Thomas M. Barnes

**Inventor's signature** *x Thomas M. Barnes* \_\_\_\_\_

**Date** *x June 19 2001* \_\_\_\_\_

**Residence** Brookline, MA

**Post Office Address** 12 Mason Terrace, Brookline, MA 02446

**Country of Citizenship** Australia

■■■■■■■

John D. Sharp

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Arlington, MA

**Post Office Address** 245 Park Avenue, Arlington, MA 02476

**Country of Citizenship** United States of America

■■■■■■■

Susan J. Kirst

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Brookline, MA

**Post Office Address** 12 Dana Street, Brookline, MA 02445

**Country of Citizenship** United States of America

■■■■■■■

Paul S. Myers

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Cambridge, MA

**Post Office Address** 14 Cornelius Way, Cambridge, MA 02141

**Country of Citizenship** United States of America

**SIGNATURE(S)**

Christopher C. Fraser

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Lexington, MA

**Post Office Address** 52 Grassland Street, Lexington, MA 02421

**Country of Citizenship** Canada

■■■■■■■

Thomas M. Barnes

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

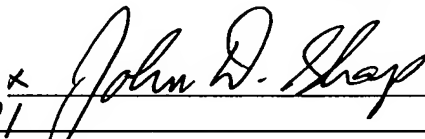
**Residence** Brookline, MA

**Post Office Address** 12 Mason Terrace, Brookline, MA 02446

**Country of Citizenship** Australia

■■■■■■■

John D. Sharp

**Inventor's signature** \*  \_\_\_\_\_

**Date** \* 6-20-01 \_\_\_\_\_

**Residence** Arlington, MA

**Post Office Address** 245 Park Avenue, Arlington, MA 02476

**Country of Citizenship** United States of America

■■■■■■■

Susan J. Kirst

**Inventor's signature** \_\_\_\_\_

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**Post Office Address** 12 Dana Street, Brookline, MA 02445

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■■■■■■■

Paul S. Myers

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Cambridge, MA

**Post Office Address** 14 Cornelius Way, Cambridge, MA 02141

**Country of Citizenship** United States of America

**SIGNATURE(S)**

Christopher C. Fraser

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Lexington, MA

**Post Office Address** 52 Grassland Street, Lexington, MA 02421

**Country of Citizenship** Canada

■■■■■■■

Thomas M. Barnes

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**Date** \_\_\_\_\_

**Residence** Brookline, MA

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**Country of Citizenship** Australia

■■■■■■■

John D. Sharp

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Arlington, MA

**Post Office Address** 245 Park Avenue, Arlington, MA 02476

**Country of Citizenship** United States of America

■■■■■■■

Susan J. Kirst

**Inventor's signature** *Susan J. Kirst*

**Date** *X 10 July 2001*

**Residence** Brookline, MA

**Post Office Address** 12 Dana Street, Brookline, MA 02445

**Country of Citizenship** United States of America

■■■■■■■

Paul S. Myers

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Residence** Cambridge, MA

**Post Office Address** 14 Cornelius Way, Cambridge, MA 02141

**Country of Citizenship** United States of America

SIGNATURE(S)

Christopher C. Fraser

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Residence Brookline, MA

Post Office Address 12 Dana Street, Brookline, MA 02445

Country of Citizenship United States of America

■■■■■■■

Paul S. Myers

Inventor's signature x Paul Myers

Date x 6/25/01

Residence Cambridge, MA

Post Office Address ~~14 Cornelius Way, Cambridge, MA 02141~~

Country of Citizenship United States of America

131 South St. Unit 17A  
J.P. MA 02130



■■■■■■■

Kevin R. Leiby

Inventor's signature

Date

*Kevin R. Leiby*

Residence Natick, MA

Post Office Address 4 Skowhegan Way, Natick, MA 01760

Country of Citizenship United States of America

■■■■■■■

Douglas A. Holtzman

Inventor's signature

Date

Residence Jamaica Plain, MA

Post Office Address 821 Centre Street, No 6, Jamaica Plain, MA 02130

Country of Citizenship United States of America

■■■■■■■

Sean A. McCarthy

Inventor's signature

Date

Residence San Diego, CA

Post Office Address 3625 Dupont Street, San Diego, CA 92106

Country of Citizenship United Kingdom

■■■■■■■

Nicholas Wrighton

Inventor's signature

Date

Residence Winchester, MA

Post Office Address 18 Lloyd Street, Winchester, MA 01890

Country of Citizenship British

■■■■■■■

Charles R. Mackay

Inventor's signature

Date

Residence Vacluse, Australia

Post Office Address 1 Belah Gardens, Vacluse NSW 2030, Australia

Country of Citizenship Australia

■■■■■■■

Kevin R. Leiby

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Natick, MA

Post Office Address 4 Skowhegan Way, Natick, MA 01760

Country of Citizenship United States of America

■■■■■■■

Douglas A. Holtzman

Inventor's signature *x Douglas Holtzman* \_\_\_\_\_

Date *x 6/19/01* \_\_\_\_\_

Residence Jamaica Plain, MA

Post Office Address 821 Centre Street, No 6, Jamaica Plain, MA 02130

Country of Citizenship United States of America

■■■■■■■

Sean A. McCarthy

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence San Diego, CA

Post Office Address 3625 Dupont Street, San Diego, CA 92106

Country of Citizenship United Kingdom

■■■■■■■

Nicholas Wrighton

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Winchester, MA

Post Office Address 18 Lloyd Street, Winchester, MA 01890

Country of Citizenship British

■■■■■■■

Charles R. Mackay

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Vacluse, Australia

Post Office Address 1 Belah Gardens, Vacluse NSW 2030, Australia

Country of Citizenship Australia



Kevin R. Leiby

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Natick, MA

Post Office Address 4 Skowhegan Way, Natick, MA 01760

Country of Citizenship United States of America



Douglas A. Holtzman

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Jamaica Plain, MA

Post Office Address 821 Centre Street, No 6, Jamaica Plain, MA 02130

Country of Citizenship United States of America



Sean A. McCarthy

Inventor's signature *Sean A. McCarthy*

Date *7/2/07*

Residence San Diego, CA

Post Office Address 3625 Dupont Street, San Diego, CA 92106

Country of Citizenship United Kingdom



Nicholas Wrighton

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Winchester, MA

Post Office Address 18 Lloyd Street, Winchester, MA 01890

Country of Citizenship British



Charles R. Mackay

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Vacluse, Australia

Post Office Address 1 Belah Gardens, Vacluse NSW 2030, Australia

Country of Citizenship Australia

■■■■■■■

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Date \_\_\_\_\_

Residence Natick, MA

Post Office Address 4 Skowhegan Way, Natick, MA 01760

Country of Citizenship United States of America

■■■■■■■

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Date \_\_\_\_\_

Residence Jamaica Plain, MA

Post Office Address 821 Centre Street, No 6, Jamaica Plain, MA 02130

Country of Citizenship United States of America

■■■■■■■

Sean A. McCarthy

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence San Diego, CA

Post Office Address 3625 Dupont Street, San Diego, CA 92106

Country of Citizenship United Kingdom

■■■■■■■

Nicholas Wrighton

Inventor's signature *X Nicholas Wrighton*

Date *X 6/20/01*

Residence Winchester, MA

Post Office Address 18 Lloyd Street, Winchester, MA 01890

Country of Citizenship British

■■■■■■■

Charles R. Mackay

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Vacluse, Australia

Post Office Address 1 Belah Gardens, Vacluse NSW 2030, Australia

Country of Citizenship Australia

■■■■■■■

Kevin R. Leiby

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Natick, MA

Post Office Address 4 Skowhegan Way, Natick, MA 01760

Country of Citizenship United States of America

■■■■■■■

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Date \_\_\_\_\_

Residence Jamaica Plain, MA

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■■■■■■■

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Date \_\_\_\_\_

Residence San Diego, CA

Post Office Address 3625 Dupont Street, San Diego, CA 92106

Country of Citizenship United Kingdom

■■■■■■■

Nicholas Wrighton

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Winchester, MA

Post Office Address 18 Lloyd Street, Winchester, MA 01890

Country of Citizenship British

■■■■■■■

Charles R. Mackay

Inventor's signature *x* *Charles Mackay* \_\_\_\_\_

Date *X* *June 25<sup>th</sup> 2001* \_\_\_\_\_

Residence Vacluse, Australia

Post Office Address 1 Belah Gardens, Vacluse NSW 2030, Australia

Country of Citizenship Australia

Andrew D.J. Goodearl

Inventor's signature

Date

Residence Natick, MA

Post Office Address 13 Indian Ridge Road, Natick, MA 01760

Country of Citizenship ~~United States of America~~ British Isles

COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



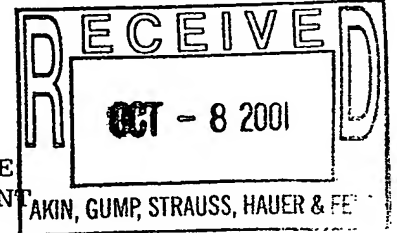
OCTOBER 02, 2001

PTAS

AKIN, GUMB, STRAUSS, HAUER, ET AL  
GARY D. COLBY PH.D., J.D.  
ONE COMMERCE SQUARE - 2005 MARKET STREET  
SUITE 2200  
PHILADELPHIA, PA 19103



\*101796063A\*



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/27/2001

REEL/FRAME: 012021/0274  
NUMBER OF PAGES: 14

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FRASER, CHRISTOPHER

DOC DATE: 06/18/2001

ASSIGNOR:

BARNES, THOMAS M.

DOC DATE: 06/19/2001

ASSIGNOR:

HOLTZMAN, DOUGLAS A.

DOC DATE: 06/19/2001

ASSIGNOR:

GOODEARL, ANDREW D.J.

DOC DATE: 06/19/2001

ASSIGNOR:

SHARP, JOHN D.

DOC DATE: 06/20/2001

ASSIGNOR:

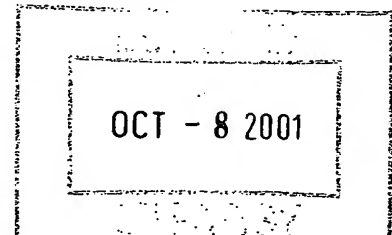
LEIBY, KEVIN R.

DOC DATE: 06/20/2001

ASSIGNOR:

WRIGHTON, NICHOLAS

DOC DATE: 06/20/2001



012021/0274 PAGE 2

ASSIGNOR:

MACKAY, CHARLES R.

DOC DATE: 06/28/2001

ASSIGNOR:

MYERS, PAUL S.

DOC DATE: 06/28/2001

ASSIGNOR:

MCCARTHY, SEAN A.

DOC DATE: 07/02/2001

ASSIGNOR:

KIRST, SUSAN J.

DOC DATE: 07/10/2001

ASSIGNEE:

MILLENNIUM PHARMACEUTICALS, INC.  
75 SIDNEY STREET  
CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER: 09759130

FILING DATE: 01/12/2001

PATENT NUMBER:

ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



05-02-2001



FORM PTO-1595 (Modified)  
1-31-92

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101796063  
PATENTS ONLY

Attorney Docket  
No.: 10147-66US

To the Assistant Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): <u>07/27/01</u></p> <p><b>Christopher C. Fraser</b> <b>Thomas M. Barnes</b> <b>John D. Sharp</b> <b>Susan J. Kirst</b> <b>Paul S. Myers</b> <b>Kevin R. Leiby</b></p> <p><b>Douglas A. Holtzman</b> <b>Sean A. McCarthy</b> <b>Nicholas Wrighton</b> <b>Charles R. Mackay</b> <b>Andrew D.J. Goodearl</b></p>	<p>2. Name and address of receiving party(ies):</p> <p><b>Millennium Pharmaceuticals, Inc.</b> <b>75 Sidney Street</b> <b>Cambridge, MA 02139</b></p> <p>A Massachusetts Corporation</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement      <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other:</p> <p>Execution Date: Christopher C. Fraser - 6/18/01; Thomas M. Barnes, Douglas A. Holtzman, Andrew D.J. Goodearl - 6/19/01; John D. Sharp, Kevin R. Leiby, Nicholas Wrighton - 6/20/01; Charles R. Mackay - 6/25/01; Paul S. Myers - 6/28/01; Sean A. McCarthy - 7/2/01; Susan J. Kirst - 7/10/01</p>	

JUL 27 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

<p>A. Patent Application No.(s): 09/759,130 filed January 12, 2001</p>	<p>B. Patent No.(s):</p>
--	--------------------------

Additional numbers attached? ☐ Yes ☒ No

<p>5. Name and address of party to whom correspondence document should be mailed:</p> <p><b>GARY D. COLBY, Ph.D., J.D.</b> <b>AKIN, GUMP, STRAUSS, HAUER &amp; FELD, L.L.P.</b> One Commerce Square - 2005 Market Street - Suite 2200 Philadelphia, PA 19103 Telephone: (215) 965-1200 Direct Dial: (215) 965-1285 Facsimile: (215) 965-1210 E-Mail: gcolby@akingump.com</p>	<p>6. Total number of applications and patents involved: [1]</p> <p>7. Total fee (37 C.F.R. 3.41) Cal. <u>1</u> x \$40.00 = <u>\$40.00</u></p> <p><input checked="" type="checkbox"/> Check enclosed  <input checked="" type="checkbox"/> Authorized to charge to deposit account for any underpayment or to credit deposit account for any overpayment.</p> <p>8. Deposit account number: <u>50-1017</u> (Billing No.: 210147.0066)</p>
--	--

DO NOT USE THIS SPACE

9. Statement and signature  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

08/01/2001 6TON11 00000107 09759130  
01 FC:581 40.00 DP

<p><u>Gary D. C. lby, Ph.D., J.D.</u> Name of Person Signing</p>		<p>Reg. No. 40,961</p>	<p><u>25 July 2001</u> Date</p>
--	--	------------------------	-------------------------------------

Total number of pages including cover sheet, attachments and document: [14]

For: U.S. Rights  
For: U.S. Application  
By: Inventors

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNORS:**

Christopher C. Fraser  
~~52 Grassland Street~~ *LAKE STREET*  
Lexington, MA 02421  
Nationality: Canada

Douglas A. Holtzman  
821 Centre Street, No. 6  
Jamaica Plain, MA 02130  
Nationality: United States of America

Thomas M. Barnes  
12 Mason Terrace  
Brookline MA 02446  
Nationality: Australia

Sean A. McCarthy  
3625 Dupont Street  
San Diego, CA 92106  
Nationality: United Kingdom

John D. Sharp  
245 Park Avenue  
Arlington, MA 02476  
Nationality: United States of America

Nicholas Wrighton  
18 Lloyd Street  
Winchester, MA 01890  
Nationality: British

Susan J. Kirst  
12 Dana Street  
Brookline, MA 02445  
Nationality: United States of America

Charles R. Mackay  
1 Belah Gardens  
Vaucluse NSW 2030  
Australia  
Nationality: Australia

Paul S. Myers  
14 Cornelius Way  
Cambridge, MA 02141  
Nationality: United States of America

Andrew D.J. Goodearl  
13 Indian Ridge Road  
Natick, MA 01760  
Nationality: United States of America

Kevin R. Leiby  
4 Skowhegan Way  
Natick, MA 01760  
Nationality: United States of America

hereby sell, assign and transfer to

**ASSIGNEE:**

**MILLENNIUM PHARMACEUTICALS, INC.**

75 Sidney Street

Cambridge, MA 02139

State of Incorporation: Delaware

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and all foreign countries in and to inventions described in the patent application entitled:

**NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC,  
PREVENTIVE, THERAPEUTIC, AND OTHER USES**

and which is found in (37 C.F.R. section 3.21) U.S. application no. 09/759,130 filed on January 12, 2001 and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein.

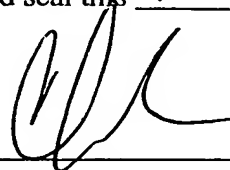
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant for ourselves and our executors and administrators that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS, their executors and administrators and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof and to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements.

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 15th day of June.

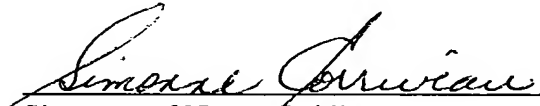
Date: X June 13, 2001

X   
Signature of Christopher C. Fraser

### NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 15th day of June 2001, personally appeared the above named **Christopher C. Fraser**, to me known to be the person described in, and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.

  
Signature of Notary Public  
Simone Corriveau  
Print Name  
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day  
of June, 2001.

Date: X June 19 2001

X Thomas M Barnes  
Signature of Thomas M. Barnes

**NOTARIZATION ACCOMPANYING ASSIGNMENT**

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 19th day of June 2001, personally appeared the above  
named **Thomas M. Barnes**, to me known to be the persons described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Simonne Corriveau  
Signature of Notary Public  
Simonne CORRIVEAU  
Print Name  
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day  
of JUNE, 2001.

Date: 6-20-01

x John D. Sharp  
Signature of John D. Sharp

**NOTARIZATION ACCOMPANYING ASSIGNMENT**

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 20th day of June 2001, personally appeared the above  
named **John D. Sharp**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Simone Corriveau  
Signature of Notary Public  
Simone CORRIVEAU  
Print Name  
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 10 day  
of July, 2001.

Date: X 10 July 2001

X Susan J. Kirst  
Signature of Susan J. Kirst

### NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts  
County of Norfolk

Before me this 10 day of July 2001, personally appeared the above  
named **Susan J. Kirst**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that she executed the same of her own  
free will for the purpose therein expressed.

Lorina G. Allin  
Signature of Notary Public

Print Name Lorina Allin  
My Commission expires: \_\_\_\_\_

**LORINA G. ALLIN**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES APRIL 11, 2008

IN WITNESS WHEREOF, I have hereunto set hand and seal this 28<sup>th</sup> day  
of June, 2001,

Date: x 6/28/01

x Paul Myers  
Signature of Paul S. Myers

### NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts

County of Norfolk

Before me this 28th day of June, 2001, personally appeared the above  
named **Paul S. Myers**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Dean M. Bergfors  
Signature of Notary Public

Dean M. Bergfors  
Print Name

My Commission expires: 3/31/06



IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day  
of June, 2001.

Date: 6-20-01

x Kevin R. Leiby  
Signature of Kevin R. Leiby

**NOTARIZATION ACCOMPANYING ASSIGNMENT**

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 20th day of June 2001, personally appeared the above  
named **Kevin R. Leiby**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Simone Corriveau  
Signature of Notary Public  
Simone Corriveau  
Print Name  
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day  
of JUNE, 2001.

Date: X 6/19/01

X Douglas Holtzman  
Signature of Douglas A. Holtzman

### NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 19th day of June 2001, personally appeared the above  
named **Douglas A. Holtzman**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Simone Corriveau  
Signature of Notary Public  
Simone CORRIVEAU  
Print Name  
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 2<sup>nd</sup> day  
of July, 2001.

Date: X 7/2/01

X SA McCarthy  
Signature of Sean A. McCarthy

X [Signature]  
Witness

X 4605 Campus Ave #3 San Diego CA 92116  
Address

X Gordon Adams  
Witness

X 4317 Maryland St. San Diego, CA 92103  
Address

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 2 day of July, 2001, personally appeared the  
above named Sean A. McCarthy, to me known to be the person described in, and  
who executed the foregoing assignment instrument and acknowledged to me that  
he executed the same of his own free will for the purpose therein expressed.

\_\_\_\_\_  
Signature of Notary Public

4: J AS  
Print Name

My Commission expires 10

IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day  
of JUNE, 2001.

Date: 6/20/01

X Nicholas W  
Signature of Nicholas Wrighton

### NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts  
County of Norfolk

Before me this 20th day of June, 2001, personally appeared the above  
named **Nicholas Wrighton**, to me known to be the person described in, and who executed the  
foregoing assignment instrument and acknowledged to me that he executed the same of his own  
free will for the purpose therein expressed.

Lena M. Bergfors  
Signature of Notary Public  
Lena M. Bergfors  
Print Name  
My Commission expires: 3/3/06

(Assignment of Invention--Multiple Inventors--page 13 of 13)  
MPI2000-535OMNI

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day  
of JUNE, 2001.

Date: X 19 June 2001

X AC Goodearl  
Signature of Andrew D.J. Goodearl

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

State/Commonwealth of Massachusetts  
County of Middlesex

Before me this 19th day of June, 2001, personally appeared the above named  
ANDREW D.J. GOODEARL, to me known to be the person described in, and who executed  
the foregoing assignment instrument and acknowledged to me that he executed the  
same of his own free will for the purpose therein expressed.

Simonne Corriveau  
Notary Public - Simonne Corriveau  
My Commission expires: 9/1/2006